

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARK MCCLESKEY, TRUSTEE AND INDIANA
STATE COUNCIL OF PLASTERERS AND CEMENT
MASONS HEALTH AND WELFARE AND PENSION
FUNDS

Plaintiffs,

LUCAS STUCCO & EIFS DESIGN, L.L.C.,
a Missouri corporation,

Defendant.

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) No. 1:10-cv-376-LJM-DML
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AFFIDAVIT

I, Richard J. Wolf, upon being first duly sworn, on oath deposes and states:

1. Affiant is President of the auditing firm of Richard J. Wolf and Company, Inc.
2. Our firm completed compliance audits for the Indiana State Council of Plasterers and Cement Masons Fringe Benefit Funds on LUCAS STUCCO & EIFS DESIGN, L.L.C. for the period October 1, 2005 through December 31, 2009.
3. The audit report found arrears owing to the Indiana State Council of Plasterers and Cement Masons Fringe Benefit Funds, Area 3 in the amount of \$66,684.29 benefits, \$6,668.43 liquidated damages and \$81,162.42 penalties.
4. The audit report found arrears owing to the Indiana State Council of Plasterers and Cement Masons Fringe Benefit Funds, Area 59 in the amount of \$689.48 benefits, and \$68.95 liquidated damages.
5. Our firm charged the Indiana State Council of Plasterers and Cement Masons Fringe Benefit Funds \$1,530.00 for services to perform the audit.

EXHIBIT 1

6. The total due the Plaintiffs including arrears, audit costs, and liquidated damages of 10 percent, but excluding attorney's fees and court costs is \$156,803.57.

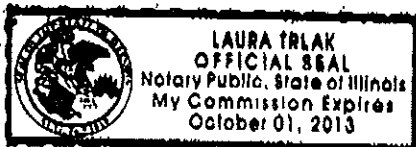
7. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

FURTHER AFFIANT SAYETH NOT.


Richard Wolf

SUBSCRIBED AND SWORN TO
before me this 30th day
of November 2010


Notary Public



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AFFIDAVIT

Donald D. Schwartz, upon being first duly sworn, on oath deposes and states:

1. Affiant is partner in the Law Firm Arnold & Kadjan handling this case.
2. Our firm has spent 5.90 hours in litigation in this matter
3. Our normal rate is \$200.00 per hour.
4. Our firm charged the Indiana State Council of Plasterers and Cement Masons Fringe Benefit Funds \$1,180.00 in this matter.
5. Our firm charged \$350.00 for court filing fee, and \$32.50 process server fee.
6. Affiant is not currently suffering from any infirmities and is competent to testify to all the foregoing.

FURTHER AFFIANT SAYETH NOT.

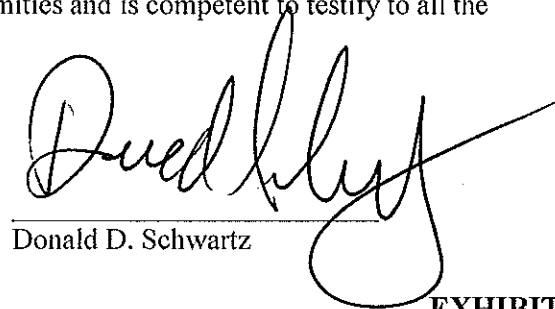

Donald D. Schwartz

EXHIBIT 2